

DRAFT

**TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
JULY 12, 2017**

COMMISSION PRESENT: Chairman Kristofer Sippel
Vice Chairman Brian Andersen
Commissioner Carl Bloomfield
Commissioner David Cavenue
Commissioner Greg Froehlich
Commissioner Brian Johns
Commissioner Joshua Oehler
Alternate Commissioner Seth Banda (in attendance, but did not participate in discussion on the dais)

COMMISSION ABSENT: Alternate Commissioner Mary Harris

STAFF PRESENT: Bob Caravona, Senior Planner
Nichole McCarty, Planner II
Gilbert Olgin, Planner II
Amy Temes, Senior Planner
Nathan Williams, Senior Planner
Principal Planner Catherine Lorbeer
Planning Manager Linda Edwards

ALSO PRESENT: Attorney Nancy Davidson
Recorder Debbie Frazey

CALL TO ORDER

Chairman Kristofer Sippel called the July 12 Study Session of the Planning Commission to order at 5:03 p.m.

- 1. GP17-1002, RIGGS EXTRA SPACE STORAGE: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 6.45 ACRES OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. RIGGS ROAD AND S. 164TH STREET FROM NEIGHBORHOOD OFFICE (NO) TO GENERAL COMMERCIAL (GC) LAND USE CLASSIFICATION.**

Z17-1005, RIGGS EXTRA SPACE STORAGE: REQUEST TO REZONE APPROXIMATELY 6.45 ACRES OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. RIGGS ROAD AND S. 164TH STREET FROM NEIGHBORHOOD OFFICE (NO) ZONING DISTRICT TO GENERAL COMMERCIAL (GC) ZONING DISTRICT WITH A PLANNED DEVELOPMENT OVERLAY.

Planner Gilbert Olgin began his presentation on Riggs Extra Space Storage. He said there were two cases before the Commission. The first was a request for a Minor General Plan Amendment to change the Land Use Classification. The second request was for a rezoning from Neighborhood Office (NO) to General Commercial (GC) with a PAD overlay. He shared a location map, noting the location of the subject site at the northwest corner of Higley and Riggs. He said the site fronts Riggs Road. He shared some site history, indicating that back in 2005 the property went through a General Plan Amendment as well as a zoning change in 2006. At that time the MountainWood Professional Village was approved. He said that the site is 6.45 acres in size. Planner Olgin stated that the property is within the Santan Character Area. He said that the owner's intent is to build an indoor, climate-controlled storage facility, with a possible daycare center next to the storage facility. He said that this property has had no movement towards development for several years. He said the property has several constraints. One of those constraints is an existing MCFCD easement (Maricopa County Flood Control District) which sits on the site and makes it difficult to have a drive access off of the area, due to the fact that some type of bridge would need to be constructed to accommodate that access. He stated that the access proposed for this project is off of 64th Street. He said that the other constraint the property has is its small size, which limits the potential uses. He stated that the zoning change would allow additional uses to be opened up for the subject site. He shared that the PAD was being requested to buffer the property appropriately. He shared the requested changes proposed for the PAD (listed below in the Project Data Table).

Project Data Table

Site Development Regulations	Required per LDC for General Commercial	Proposed per the PAD
Minimum Lot Area	--	--
Maximum Building Height	45'	45'
Minimum Setback		
Front to ROW	25'	25'
Side to residential	75'	75'
Side to non-residential	20'	20'

Rear to residential	75'	62'
Separation between Buildings(ft.)		
Single story	15'	15'
Multiple story	20'	20'
Minimum Required Perimeter Landscape Area (ft.)		
Front to ROW	25'	25'
Side to residential	40'	20'
Side to non-residential	20'	20'
Rear to residential	20'	20'

Chair Sippel thanked Planner Olgin for his presentation and called for questions or comments.

Comment: Joshua Oehler said that when he looks at the site plan, he is curious about having two drives so close together. He asked if there was a reason for this.

Response: Gilbert Olgin said that originally the first point of access was closer to the corner, but that location was not allowed by the LDC, so it had to be moved. He said that he realizes that the current configuration isn't ideal, but it works better than what they first suggested. At this time, there is no possibility of the site using Riggs Road. He pointed out the location of the easement, noting where the flooding would run.

Question: Joshua Oehler said he understands the situation, but he doesn't understand why they wouldn't connect the two and just have one point of ingress.

Answer: Gilbert Olgin said he could take note of that suggestion and ask the applicant.

Question: Joshua Oehler asked if the daycare was just a placeholder, or if they actually knew that there would be a daycare center going in next to the self-storage.

Answer: Gilbert Olgin said this would be a phased project, so in Phase 2 they were suggesting the addition of the daycare. He acknowledged that the applicant does not have a user for the proposed daycare center.

Question: Joshua Oehler asked to clarify if this was more of a placeholder, to show what could work on the site, more than an actual proposed project.

Answer: Gilbert Olgin answered affirmatively.

Comment: Joshua Oehler said he would like Staff to clarify that the purpose of going from Neighborhood Office (NO) to General Commercial (GC) was to have a higher zoning category which would be more intensive.

Response: Gilbert Olgin answered affirmatively.

Question: Joshua Oehler asked how that relates to the road and the residential that is to the west.

Answer: Gilbert Olgin said that the PAD is to accommodate the size of what they are proposing, but the fact that they have significant buffering on the west side of the property and the proposed

PAD would allow them to be closer to the church. He said that Staff does support the project because there would still be significant buffering on the west side of the property and the property has been vacant for several years with no movement on the site. He said Staff believes this would help move the process forward. He said that when the applicant begins to focus on the design review components of the project, Staff will make sure the project fits the Santan Character Area.

Comment: Joshua Oehler said he is kind of on the fence when looking at this requested change, because ultimately it is within the Santan Character Area and this change would mean they would be creating a storage facility and lose the potential for offices which could feed more business into the area. He said he isn't completely against the General Commercial (GC), but without knowing the whole use of the site, he would like to know a little more about potential uses when the applicant comes back in front of the Commission.

Response: Gilbert Olgin thanked Joshua Oehler for his comments.

Comment: David Cavenee said he wanted to piggyback on Commissioner Oehler's comments about the driveways. He said he understands the easement issue, but he thinks that the easement area could still be utilized as some kind of crossing, but he did note that even if the project is developed the way it is currently showing, he would be concerned about the number of trucks and other large vehicles that would feed into the storage facility. He said it appears that someone has tried to figure out the turning radiuses, but he said that would involve a lot of turning and maneuvering to get back to the storage units and this would all take place around a daycare center, where parents would be dropping off and picking up their kids. He said he isn't sure this is a congruent interface. He said if they proceed, they might consider moving the lower entry a little further south, so it would be a straight run in and out, allowing the bigger vehicles to come in and out that way. He said he also noticed that there is no screen wall in front of the self-storage. He said he realizes that this is because there is no parking facing the street, but he said with the unloading and loading that will go on in this particular use, it might be a good idea to have a screen wall along the frontage to prevent headlights from trucks that are backing into the loading bay. He finished by saying that it seemed unconventional to come off of a side road and go past a daycare to get to a storage facility, especially considering they don't even know that this will be the usage that ends up going there.

Comment: Linda Edwards asked if she could note one additional bit of information. She let the Commission know that the corner was part of the original MountainWood Masterplanned community. She said that over the years, it has developed and had many changes. She said the request before the dais is for a General Plan Amendment and a Rezoning. This means that any use permitted in General Commercial (GC) would be permitted in the PAD on the front side of the property. She said that even though one of the exhibits shows a daycare, any use permitted in General Commercial (GC) would be permitted on this site. Secondly, she said that the fire station is located directly across the street, noting that the property doesn't front residential.

Question: Brian Johns asked if this was a drive-thru facility or if they had overhead doors. He said he realized that was more of a design review question, but said he was curious about the design.

Answer: Gilbert Olgin said they wanted to see how this project was received, before they provided additional details. He said what Staff does know, is that the project will be an indoor facility, and there will be at least some area that they can drive into, but he doesn't know if that would include a full drive-thru.

Comment: Brian Johns said he was in agreement with Commissioner Cavenee regarding screening. He said if there is any kind of overhead door facing Riggs Road, they might want to consider having some screening.

Comment: Carl Bloomfield stated that since this was a Study Session item, he thought the most important question they should be asking was whether the setbacks were appropriate as proposed. He believes they are appropriate. He also said that he thought the change from Neighborhood Office (NO) to General Commercial (GC) would be an acceptable change, because the site hasn't developed into Neighborhood Office at this point. He said they would be able to take a look at other things as it comes before them during the design review process.

Response: Gilbert Olgin thanked Commissioner Bloomfield.

Comment: Joshua Oehler said he would like to see a little more information regarding the potential uses within General Commercial so he would know what types of uses could be put within that zoning category. He asked if the applicant could provide and show the differences between the two categories and what is allowed in each in their next presentation. He said he would like to see the options and until he has done so, he wouldn't be comfortable going directly from Neighborhood Office (NO) to General Commercial (GC).

2. ST17-1004, COBBLESTONE VILLAS: NEW STANDARD PLANS (148.1589, 148.1712, 230.1903 AND 236.2269) BY KB HOMES ON LOTS 1-68, GENERALLY LOCATED AT THE NORTHEAST OF S. GILBERT ROAD AND E. RAY ROAD AND ZONED SINGLE FAMILY - DETACHED (SF-D) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

Senior Planner Bob Caravona began his presentation on ST17-1004, Cobblestone Villas: New Standard Plans. He said this request was to look at standard plans 148.1589, 148.1712, 230.1903 and 236.2269. He said they will particularly be looking at the street elevation of Plan 236.2269. He said this particular focus is due to the fact that within the motor court subdivision, these are the primary units and lots that the public will see, referring to them as the welcome mat to the neighborhood. He said this Planned Area Development (PAD) was rezoned in early 2016. At that time, they received a Plat Approval for the Rezoning. He said the site is 10.91 acres. He said that due to the nature of a motor court, a lot of design and detail have gone into this project. He mentioned that certain models fit on certain lots and he then indicated for the Commission where these models fit on the lots. He pointed out the location of the private drive for the motor courts. He said the motor court product is divided into 4-pack and 6-pack layouts. He said that the drives are 24' wide within the motor courts. He said there is a front porch presence along the private street. He then shared the elevations, noting that he originally had concerns with the elevations. He revealed that there is a Use Benefit Easement within the motor court, so neighbors will use a portion of their neighbor's property. This area will be fenced off between

the lots and will be the individual unit's private space. He indicated that this would result in blank walls due to the fact that they must provide some privacy.

Planner Caravona then stated that the units are highly designed, low maintenance properties. He discussed the height restrictions that were part of the PAD approved zoning. He said these height restrictions limited the design to 1-story at the northeastern property lines. However, he indicated that Lots 13 and 14 have an exception and are allowed to be 2-story units. He said this is due to the design and how the motor courts work. He said that the development standards were being met for this application. Planner Caravona shared the Final Plat that had been approved at a prior date. He then shared the elevations of the end units which are single story. He said they have three architectural styles: Spanish Colonial, Early Californian and Traditional. He said they have added some roof changes on the 1-story units. He said there is one model that fits for the middle units and they also have the same three architectural styles, as well as changes in roof forms. He pointed out that one of the elevations has a stone option. He noted that the entry lots would serve as welcome mats to the neighborhood and will be what is seen when someone is walking through the neighborhood or along the street and when someone turns into the motor courts. Planner Caravona said that the elevations that were originally presented were underwhelming. He said Staff had many conversations with KB Homes in an attempt to address the problem. He said that it had also been noted that the roof types were quite similar, so it was suggested that a gable roof might be used on the side. It was also suggested that they increase the front porch to make a grander entry to these units. He said a variety of solutions were presented to KB Homes. KB Homes embraced these suggestions and presented changes to the elevations.

He noted some of the additional concerns that they had with the original design. They were looking for some pedestrian scale along the streetscape, as well as some stylistic architecture and rich textured materials. The Planning Commission had also suggested a change in colors to break up the blank walls on all of the models. Planner Caravona then presented the changes that the applicant had sent in today. He said they had done a great job of enhancing the front entries and embraced the craftsman style on those elevations. He said that he was very pleased with their second submittal. He said he hadn't had a chance to go through all of the changes, but he believes they are definitely heading in the right direction.

Question: Chair Sippel asked if the Commission members had these changes.

Answer: Bob Caravona said that he had just received them and the Commission members did not have the changes yet.

Question: Chair Sippel asked Planner Caravona to indicate which was the prior design and which was the new design.

Answer: Bob Caravona then pointed out the original design and then pointed out the new design. He noted the change in window patterns, the variations in the front entries, and the change in roof form.

Bob Caravona said that for the focus of tonight's conversation, they needed to determine if the applicant was achieving what is necessary for the front lots. He then shared the remaining new elevations, noting the additional changes that had been made.

Chair Sippel then called for questions or comments from the Commission.

Question: Joshua Oehler said that his question was more of a procedural question. He asked if this case would only be coming before the Commission during Study Session and would not be coming back before the Commission as a Public Hearing.

Answer: Bob Caravona answered affirmatively. He said that Staff now has the ability to approve the case administratively. He said if there are issues, they have the option of bringing it back before the Planning Commission.

Comment/Question: Joshua Oehler said he appreciates where the applicant is heading, but he said they are just eyeballing it off the screen, because they haven't had time to review the changes that the applicant has made. He said he was a little worried about that because the case wouldn't be coming back before the Commission. He said thus far, it appears that they are giving some interest to the building in the 2-story units. He asked if they also changed some of the 1-story units. He said that the Early California looked very "Plain Jane" in the first submittal. He asked if they would be taking these improvements into the 2-story units as well or if they are just focusing on the end units.

Answer: Bob Caravona said that from what he has observed, some changes have been made in the 1-story units as well. He said they also have changed the entries in the Spanish Colonial. He said if he had any hesitation that the applicant was not achieving what they need to have to represent Gilbert appropriately, he would bring it back before the Commission. He said that thus far the applicant has been quite cooperative.

Comment: Joshua Oehler said that he still had some issues with the way the motor courts were going to work from a vehicular standpoint, as well as from a design perspective, because everyone will be looking directly at these. He said he likes the idea of the shared courtyards and thinks that creates some interest. He said he does find it interesting how it will work through the easements. He said he likes that they are moving in the right direction, but he wishes they would have sent the changes a little earlier, so the Commission could have seen them ahead of tonight's meeting. He thinks the streetscapes are going to be the most important thing regarding how this community lasts into the future as part of the Town of Gilbert, and whether it becomes a great little neighborhood, instead of going the other direction.

Gregory Froehlich declared a Conflict of Interest on Item #2, ST17-1004, Cobblestone Villas.

Question: Joshua Oehler asked if the 2-story units, Lot 13 and 14, would be tying to a certain floor plan. He said that when this was previously before the Commission, there had been some neighborhood concern about the possibility of windows looking into the surrounding neighborhood. At that time, Commissioner Oehler said they had told the neighbors that they would work with the applicant to make sure that the windows didn't look into the surrounding neighborhood. He asked if they were making sure the floor plan being used on the 2-story units

would be taking the neighbor's request into consideration, and using the best possible floor plan to alleviate the neighbor's concern.

Answer: Bob Caravona said that Lots 13 and 14 are able to be 2-story units, but they conditioned it that the windows would have to be up higher, so they aren't peering down into the neighborhood. He said that they will have to make a special window adjustment option for those lots. He said that had not occurred yet.

Comment: Joshua Oehler said that he hoped this would take place during the process of moving forward and that they would provide a special floor plan for those lots. He said that the neighbors came out very strongly against the idea of windows that would look into their homes.

Question: Vice Chair Brian Andersen said he wanted clarification on what the discussion was regarding the windows and if they had discussed modifications that would raise the level of the windows.

Answer: Bob Caravona said that a specific neighbor had a concern about the possibility of the residents of this new neighborhood peering into their lot. As a result, the setback was increased for the lot and they added additional trees. Also during that conversation, it was also presented that they would have limitation of windows and/or raise them up and have Clerestory type windows. He said he has not seen that change in the design as of yet.

Question: Vice Chair Andersen asked what would happen if the design had bedrooms on the back of that wall. He mentioned the requirements to meet Code for fire safety regarding ingress and egress. He asked how they would address that problem.

Answer: Bob Caravona said that he did not have that solution yet, but he said they would have to take the fire requirements into account.

Comment: Vice Chair Andersen said that he would want to make sure this is considered when they determine whatever building style restrictions they put in place.

Comment: Chair Sippel said that he felt that the Commission would support Staff on this case, and that they could entrust the case to Staff's competent hands to make sure it continues to move in the right direction. However, he told Planner Caravona if at any point he felt uncomfortable about the design, he could bring it back before the Planning Commission.

3. Z17-1007 LDC TEXT AMENDMENT BATCH G: CITIZEN REVIEW AND INITIATION OF AMENDMENT TO THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER I ZONING REGULATIONS, DIVISION 1: GENERAL PROVISIONS, DIVISION 2: LAND USE DESIGNATIONS, DIVISION 3: OVERLAY ZONING DISTRICTS, DIVISION 4: GENERAL REGULATIONS, DIVISION 5: ADMINISTRATION, AND DIVISION 6: USE DEFINITIONS; CHAPTER II DESIGN STANDARDS AND GUIDELINES; CHAPTER III: SUBDIVISION REGULATIONS, GLOSSARY OF GENERAL TERMS, APPENDIX 1: GRAPHICS AND THE TOWN OF GILBERT ZONING MAP.

Senior Planner Amy Temes began her presentation on Z17-1007, LDC Text Amendment Batch G: Citizen Review and Initiation of Amendment to the TOG LDC. She indicated that Batch G was an 8-item LDC Text Amendment. She said that Batch G represented a large portion of the Code and they were quite varied. She said this would be an ongoing discussion over the next few months as Staff brings each of these items forward. She said some of the items will require quite a bit of discussion and some of them will be more straightforward. Since the Planning Commission's initiation of Z14-15, a text amendment intended to facilitate the comprehensive clean-up of the Land Development Code (LDC); the Commission has reviewed six distinct "batches" [A, B, C, D, E & F] dealing with a range of LDC issues requiring clarity, modernization or enhancement. She then shared the proposed text amendments in Batch G:

1. Phoenix –Mesa Gateway Overlay District

In 2016, Phoenix-Mesa Gateway Airport initiated a Land Use Compatibility Plan to examine the suitability of the Airport Planning Area boundaries, overflight zones, and land use planning policies established at the turn of the millennium. With the approval and release of this study in January 2017, the Town of Gilbert seeks to update LDC Article 3.2 Phoenix-Mesa Gateway Airport Overlay District. A summary of the modifications to be discussed include the overflight zones boundary changes, the additional noise sensitive uses, additional definitions, changes to the disclosure statements, height limitations, hazardous facilities, lighting and thermal hazards. Planner Temes said they would be bringing this forward and this will include GIS overlays of the three zones and how they were and how they are today, as well as discussion on whether they need to amend the Town's noise sensitive uses as well as some of the other areas brought up in the study.

2. Residential Side Clear Area

Planner Temes said that the Commission may recall that in the past there have been some residential developers who have brought forward the fact that they believe 3' is an adequate amount of space to maneuver around the sides of a home. LDC Section 2.104.D.4. currently requires a 5' minimum side clear area be maintained on both sides of all single family lots extending 5' past the rear wall plane. Past input from the Town of Gilbert Fire, Public Works and Development Services Departments has determined that 3' is an acceptable width for Fire personnel access, trash container storage and side gate access. Some of the subdivisions within the Bridges Planned Area Development (PAD) previously modified their PAD development standards to allow for a 3' side yard clear within a 7' side setback. Staff is not aware of any issues with this particular PAD modification. Continuing on from these past discussions, Staff believes that it may be practical to reduce standards to allow for a 3' clear area regardless of the required side yard setback. Staff would like to see if the Planning Commission is amenable to this idea. She shared a graphic which showed the difference between the typical 5' clear area would look like, and what the 3' clear area would look like.

3. Driveway Parking Apron

LDC Section 4.207.B. speaks to driveway lengths and alley aprons. A residential driveway serves as a principal vehicular access to a home from a public road or private drive. A driveway has a required minimum length of 20 feet from face of garage door to back of sidewalk. An

apron refers to a ribbon strip between the face of a garage door and an alley access. An apron is not a driveway. LDC Section 4.207.B.2. clearly states a minimum apron length of 3', but does not specify a maximum length. Staff would like to request that a maximum apron length be added to this section in order to discourage inappropriate and unsafe parallel parking within a parking apron. Staff would also like to add that a full size (20') driveway may be allowed if it meets the minimum driveway dimensions. Planner Temes said they would like to provide clarification on several issues regarding driveways and receive input from the Planning Commission as to whether they would be open to some of these changes.

4. Minor Land Divisions and Minor Subdivisions

Planner Temes said this request would provide clarification and some additional information. She said that the Town Development Engineer Tom Condit has asked that this change be added into the Code. The change would be under Chapter III Subdivision Regulations, Article 1.201.B.1.a which sets forth requirements for three types of Minor Land Divisions. Town Engineering Staff has requested that a fourth type be added. The addition refers to Lot Ties, where two existing lots are joined by the removal of a lot line. Also, Section 1.201.B.1.b. will be modified to state that a Minor Subdivision refers to division into 4 or fewer lots or parcels to be consistent with the definition of subdivisions.

5. Internal Commercial Setbacks

Planner Temes said that this would be a detailed discussion and would take a lot of time and would need to be looked at separately. She shared information about the proposed change: LDC Section 2.3 Commercial Districts, Table 2.304 Development Standards addresses building setbacks and landscape areas to be applied to the perimeter of commercially zoned projects. The LDC, however, does not address whether these requirements should be applied to commercial parcels sharing internal property lines within an overall commercial subdivision, master site plans or Development Plans. Staff has researched a number of other local municipalities to review whether they require building and landscape setback between like zoning districts or within an overall organized master plan and is preparing recommended clarifications to the Code. She said that at a later date, she would bring forward a number of different examples so it can be adequately discussed.

6. Light and General Industrial Rear Perimeter Landscape Area Requirements

Planner Temes noted that they have discussed this issue several times within the past few months. She provided information about the proposed change: The Light Industrial (LI) and General Industrial (GI) are the two of most intensive employment zoning districts. These areas often have large outdoor service yards for storage, fabrication and delivery of goods. The storage yards are required to be enclosed and screened from public right-of-way. In the past the Town of Gilbert's requirement for 5' of landscape within the enclosed/screened rear perimeters of outdoor service yards has met with some resistance from the business community. The requirement for landscape material in an industrial environment where trees create obstructions, where maintenance may be limited due to access or stored goods and the landscape, other than trees, is not visible from outside of the yard, has raised some concern that this is not a practical requirement. Staff has researched other local municipalities to compare their development

standards for rear yard landscape to the Town's. Staff would like to open discussions with the Planning Commission as to whether there is a need for landscape within rear service yards within the LI and GI zoning districts. Staff is not suggesting -changes that would result in the removal or decrease in the obligatory minimum lot landscaping percentage requirements. Rather, the goal of this amendment would be to remove landscaping from unseen areas into locations the public and employees will be able to benefit from and enjoy.

7. Off-Street Parking Requirements

Planner Temes said that in 2016, LDC Text Amendment Case Z16-06B consolidated and reorganized the Land Use classification tables previously found within each zoning district into one table. Article 2.9 Table 2.902 is the result of the refined classifications and subcategories. When these changes were made, the corresponding changes to the Off-Street Parking Requirements, Table 4.204 are needed so that it is a mirror image of Table 2.902. Staff proposes that Table 4.204 be updated to reflect the uses and organization of Table 2.902.

8. Use Permit Expiration Date

Planner Temes said that in 2011, the LDC was amended (Case Z11-09). This case amended Section 5.605 to increase the expiration time frame for Design Reviews/Standard Plans to 3 years. Previously the standard was a 2-year timeframe. Planner Temes said that Use Permits (whether Administrative, Special or Conditional) often go hand-in-hand with the Design Review Site Plan. At the time, Use Permits were not modified to be a 3-year expiration and were still a 2-year expiration. This resulted in a Use Permit expiring, but the Design Review still being valid which resulted in the sequence being thrown off. Staff would like to discuss expanding the Administrative, Special, and Conditional Use Permits expiration time frame from 2 to 3-years for consistency with the Design Review process.

Planner Temes requested that the Planning Commission initiate a text amendment for these eight items in Batch G and conduct a Citizen's Review. She said that Staff would be bringing back these additional eight items intermittently to discuss them.

Question: Chair Sippel asked what the timeline was for this project.

Answer: Amy Temes answered that it was difficult to predict an exact timeframe, but she hoped they could have it accomplished by the end of the year. She indicated that if they determine that one particular portion of the batch required further time, they can separate that portion out, without holding back the other portions.

Chair Sippel asked if any member of the Planning Commission had any initial comments for Planner Temes. Seeing none, Chair Sippel stated that he would initiate the text amendment and conduct the Citizen's Review for LDC Text Amendment Batch G. At this point, Planner Temes asked Chair Sippel to verify that no one in the audience had any comments regarding this text amendment.

Chair Sippel invited any member of the public that wished to speak on the item to do so. Seeing none, he asked Planner Temes to begin the next case.

4. Z17-1008, LEGAL PROTEST: CITIZEN REVIEW AND INITIATION OF AMENDMENT TO THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER I ZONING REGULATIONS, DIVISION 5 ADMINISTRATION, ARTICLE 5.7 AMENDMENTS TO ZONING CODE TEXT, A ZONING ORDINANCE OR THE OFFICIAL ZONING MAP, SECTION 5.703 PROCEDURES RELATED TO THE PROCEDURES TO PROTEST AGAINST A PROPOSED ZONING AMENDMENT.

Planner Temes stated that in May of 2017, Governor Ducey signed into law House Bill 2116 which made some modifications to the legal protest laws. She stated that their goal in doing this was to clarify the law and simplify it in some ways. She said that Staff is moving forward with this amendment to come into compliance with the new law and to make sure that when they administer the legal protest, that they are meeting the intent of what was brought into law. She shared the proposed changes. See below:

HB2116 clarifies how the property owners who are eligible to file a written protest against a proposed zoning amendment are determined. Previously a legal protest was based on 20% of the surrounding properties signing a petition against a rezoning. However, the law was not clear as to whether it included ALL the owners by both property area AND number of units within the 150ft perimeter around a property being rezoned. This amendment makes it clear to count every owner, lot or unit, within the zoning area.

Previously, the state statute allowed that 20% of the owners within 150ft on one “side” (side or rear) of the parcel could invoke a legal protest. This new definition of the protest area spreads the 20% threshold over a potentially larger number of property owners.

In addition, previously a legal protest required 6 out of 7 members for the rezoning to pass. Now the supermajority or $\frac{3}{4}$ vote rounds to the nearest whole number. For example, for the Town Council with 7 members, the vote will round to 5 rather than the previously required 6. One less vote required may be significant in highly contested cases.

HB 2116 also defines the “zoning area” as the area of the proposed change or within 150 feet of the proposed change, including all rights-of-way.

Planner Temes informed the Commission that the proposed text is straight out of state statute and is not being modified in any way. She informed the Commission that Staff believes they are interpreting this correctly, but they are going to continue to discuss this with legal, so that they make sure they administer this change as accurately as possible. She said that Staff requests that the Planning Commission initiate this text amendment for legal protest. She said they will be amending Section 5.703, as well as sections of the glossary, because the state law added some additional terminology that they believe needs to be defined in the Town’s Code.

Chair Sippel thanked Planner Temes for her presentation and called for comments.

Question: Joshua Oehler asked if this change would affect the notification areas.

Answer: Planner Temes stated that the notification area would remain the same.

Chair Sippel invited any member of the public who wished to speak on this subject to do so. Seeing none, he initiated a text amendment to the Town of Gilbert Land Development Code and conduct a Citizen's Review.

5. DR17-1079 – RIVULON COMMONS

Chair Sippel indicated that Item #5, DR17-1079, Rivulon Commons had been pulled from the agenda and would be heard at a future date.

6. Discussion of Regular Meeting Agenda

Chair Sippel requested that, before the Regular Meeting began, Staff check on Items 11 and 12 and see if any member of the public was in the audience that wished to speak on one of those two items. He also shared that it had been requested that Item #10, DR17-1007, Caliber Club be pulled off of the Public Hearing (Consent) Agenda and be placed on the Public Hearing (Non-Consent) Agenda. He asked if anyone else had any changes to make to the Regular Meeting Agenda.

ADJOURN STUDY SESSION

Seeing no other changes to the agenda, Chair Sippel adjourned the Study Session at 6:01 p.m. and said that they would begin the Regular Meeting of the Planning Commission after a 4 to 5-minute break.

Kristofer Sippel, Chairman

ATTEST:

Debbie Frazey, Recording Secretary